THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22660 of 2007

Date:26-10-2007

Between:

Batchu Veera Venkata Siva Prasad and two others

…Petitioners

AND

The Revenue Divisional Officer, Rajahmundry and another

..

Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in taking steps to evict them from the land of an extent of Ac.01.23 cents situated in Sy.No.330 of Patha Thungapadu village, Rajanagaram mandal, East Godavari District pursuant to the order bearing Ref.B.92/2007, dated 24.09.2007 of the 2nd respondent, even during the pendency of the appeal preferred by the petitioner to the 1st respondent, as illegal and arbitrary.

It is the case of the petitioners that the resumption orders have been passed by the second respondent in Ref.B.92/2007, dated 24.09.2007 resuming the land of an extent of Ac.01.24 cents situated in Sy.No.330 of Patha Thungapadu village, Rajanagaram mandal, East Godavari District assigned in favour of Kadiyapu Chittaiah has been transferred in favour of the petitioners herein. As the said transfer of lands are in contravention of Section 3(2) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, resumption orders have been issued. It is stated that as against the resumption orders, the petitioners filed appeal before the first respondent, which was taken on file on 29.09.2007, and thereafter stay application has been filed on 12.10.2007. It is stated that neither the stay application has been taken up nor the appeal has been disposed of so far. It is stated that even before disposing of the appeal, the second respondent is taking steps to dispossess the petitioners from their lands.

I am not inclined to express any opinion with regard to the merits of the case.

Having regard to the facts of the case, the writ petition is

disposed of directing the first respondent to consider and dispose of the appeal filed by the petitioners against the order, dated 24.09.2007 passed by the second respondent in Ref.B.92/2007 as expeditiously as possible without any undue delay and pending disposal of the appeal, status-quo obtained as on today with regard to the possession of the land shall be maintained. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:26.10.2007
ccm